



General Assembly

January Session, 2015

***Raised Bill No. 6934***

LCO No. 4162



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING WAGES PAID TO INDIVIDUALS PROVIDING  
FOOD, BUILDING, PROPERTY OR EQUIPMENT SERVICES TO  
MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section:

2 (1) "Required employer" means any of the following providers of  
3 food, building, property or equipment services or maintenance whose  
4 rate of reimbursement or compensation is determined by contract or  
5 agreement with a municipality or board of education, or a municipal  
6 or board of education agent: (A) Building, property or equipment  
7 service companies; (B) management companies providing property  
8 management services; and (C) companies providing food preparation  
9 or service, or both;

10 (2) "Municipal or board of education agent" means any municipal or  
11 board of education official, municipal or board of education employee  
12 or other person authorized to enter into a contract or agreement on  
13 behalf of any municipality or board of education in the state;

14 (3) "Person" means one or more individuals, partnerships,  
15 associations, corporations, business trusts, legal representatives or  
16 organized groups of persons;

17 (4) "Building, property or equipment service" means any janitorial,  
18 cleaning, maintenance or related service;

19 (5) "Substantially equivalent rate of pay" means (A) the hourly wage  
20 rate inclusive of benefits as currently earned by employees of the  
21 municipality or board of education that perform similar duties as those  
22 offered under contract or agreement by a required employer, or (B) the  
23 hourly wage rate inclusive of benefits as currently earned by  
24 employees of required employers that have a current agreement or  
25 contract with the municipality or board of education to perform  
26 similar duties; and

27 (6) "Standard rate of wages" means the hourly wage rate inclusive of  
28 benefits as determined by the Labor Commissioner in accordance with  
29 subsection (g) of section 31-57f of the general statutes.

30 (b) On and after July 1, 2016, the wages paid on an hourly basis to  
31 any employee of a required employer in the provision of food,  
32 building, property or equipment services provided to a municipality or  
33 board of education pursuant to a contract or agreement with the  
34 municipality or board of education or any municipal or board of  
35 education agent, shall be not less than (1) a substantially equivalent  
36 rate of pay, or (2) the standard rate of wages, whichever is higher.

37 (c) Any contracting department of a municipality or board of  
38 education that believes a required employer or agent of such employer  
39 has violated the provisions of subsection (b) of this section shall notify  
40 the Labor Commissioner, in writing, of the name of the required  
41 employer or agent involved and the violations involved.

42 (d) (1) On receipt of a complaint by the contracting department of a  
43 municipality or board of education alleging a violation of subsection

44 (b) of this section by a required employer or agent of such employer,  
45 the Labor Commissioner, the Director of Wage and Workplace  
46 Standards and wage enforcement agents of the Labor Department shall  
47 have the power to enter, during usual business hours, the place of  
48 business or employment of such required employer or agent of such  
49 employer to determine compliance with this section, and for such  
50 purpose may examine payroll and other records and interview  
51 employees, call hearings, administer oaths, take testimony under oath  
52 and take depositions in the manner provided by sections 52-148a to 52-  
53 148e, inclusive, of the general statutes. The commissioner or the  
54 director, for such purpose, may issue subpoenas for the attendance of  
55 witnesses and the production of books and records.

56 (2) Any required employer, or an officer or agent of such employer,  
57 who refuses to admit the commissioner, the director or such agent to a  
58 place of employment or who hinders or delays the commissioner, the  
59 director or such agent in the performance of any duties in the  
60 enforcement of this section shall be fined not less than twenty-five  
61 dollars but not more than one hundred dollars, and each day of such  
62 failure to furnish time and wage records to the commissioner, the  
63 director or such agent shall constitute a separate offense, and each day  
64 of refusal of admittance, of hindering or of delaying the commissioner,  
65 the director or such agent shall constitute a separate offense.

66 (3) Any required employer or agent of such required employer that  
67 violates subsection (b) of this section shall pay a civil penalty in an  
68 amount not less than two thousand five hundred dollars but not more  
69 than five thousand dollars for each offense.

70 (e) The Labor Commissioner may make complaint to the proper  
71 prosecuting authorities for the violation of any provision of subsection  
72 (b) of this section.

73 (f) Required employers with employees covered by collective  
74 bargaining agreements that call for wages and benefits that are

75 reasonably related to the standard rate of wages shall not be  
76 economically disadvantaged in the bidding process, provided the  
77 collective bargaining agreement was arrived at through arms-length  
78 negotiations.

79 (g) Each required employer subject to the provisions of this section  
80 shall (1) keep, maintain and preserve such records relating to the  
81 wages and hours worked by each employee and a schedule of the  
82 occupation or work classification at which each person is employed  
83 during each work day and week in such manner and form as the Labor  
84 Commissioner establishes to assure the proper payments due to such  
85 employees, and (2) annually or upon written request, submit to the  
86 contracting municipality or board of education or municipal or board  
87 of education agent a certified payroll that shall consist of a complete  
88 copy of such records accompanied by a statement signed by the  
89 employer indicating that (A) such records are correct, (B) the rate of  
90 wages paid to each employee is not less than the standard rate of  
91 wages or a substantially equivalent rate of pay, as the case may be, as  
92 required by this section, (C) such employer has complied with the  
93 provisions of this section, and (D) such employer is aware that filing a  
94 certified payroll that he or she knows to be false is a class D felony for  
95 which such employer may be fined not more than five thousand  
96 dollars or imprisoned not more than five years, or both.  
97 Notwithstanding the provisions of section 1-210 of the general statutes,  
98 the certified payroll shall be considered a public record and every  
99 person shall have the right to inspect and copy such record in  
100 accordance with the provisions of section 1-212 of the general statutes.  
101 The provisions of subsections (a) and (b) of section 31-59 of the general  
102 statutes, section 31-66 of the general statutes and section 31-69 of the  
103 general statutes that are not inconsistent with the provisions of this  
104 section shall apply. Any person who files a false certified payroll in  
105 violation of subdivision (2) of this subsection shall be guilty of a class  
106 D felony for which such person may be fined not more than five  
107 thousand dollars or imprisoned not more than five years, or both.

108       (h) Any required employer that pays a municipality or board of  
109       education for a franchise to provide food preparation or service, or  
110       both, for the municipality or board of education shall be required to  
111       certify that the rate of wages paid to each employee is not less than the  
112       standard rate of wages or a substantially equivalent rate of pay, as the  
113       case may be, provided, if no prevailing rate of wages or benefits was in  
114       effect at the time the state entered into a franchise agreement, then the  
115       employer shall not be required to pay the prevailing rate of wages or  
116       benefits during the life of the agreement, unless the agreement is  
117       amended, extended or renewed.

118       (i) The Labor Commissioner may adopt regulations, in accordance  
119       with chapter 54 of the general statutes, to carry out the provisions of  
120       this act.

121       (j) The provisions of this section and any regulation adopted  
122       pursuant to subsection (i) of this section shall not apply to any contract  
123       or agreement entered into before July 1, 2015.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

***Statement of Purpose:***

To require certain employers who contract with a municipality or board of education to provide food, building, property or equipment services or maintenance to pay their employees the standard rate of wages or at a rate that is substantially equivalent to that of other like employees, whichever is higher.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*